

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN ARNAZ WHALEY-EL,

Plaintiff,

Case No. 22-12725

v.

Hon. George Caram Steeh
Hon. Elizabeth A. Stafford

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

_____ /

ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF NO. 34)

On March 1, 2024, Magistrate Judge Elizabeth A. Stafford issued a report and recommendation proposing that the court grant the motion to dismiss filed by the Michigan Department of Corrections. No timely objections have been filed.

With respect to reports and recommendations from magistrate judges, this court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

Upon review of the report and recommendation, and having received no objection, the court agrees with Magistrate Judge Stafford's analysis and conclusion that the MDOC is immune from suit.

Therefore, IT IS HEREBY ORDERED that Magistrate Judge Stafford's report and recommendation (ECF No. 34) is ACCEPTED and ADOPTED as the order of the court.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (ECF No. 28) is GRANTED.

Dated: March 19, 2024

s/George Caram Steeh
HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 20, 2024, by electronic and/or ordinary mail and also on Kevin Arnaz Whaley-El #155829, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036.

s/Lashawn Saulsberry
Deputy Clerk